

Austin 4.1-1  
Appl. No. 10/804,794  
Response to Office Action dated January 31, 2006  
Amdt. dated April 26, 2006

#### **REMARKS**

Upon entry of this Amendment, Claims 1 to 24, 26 to 57 and 80 are pending in the application. Claims 25 and 58 to 79 have been cancelled. Claims 1 to 8, 10 to 24, 26 to 30, 32 to 46, 48 to 57 and 80 have been rejected. Claims 9, 31 and 47 were indicated to be allowable if amended to overcome the objections of the Examiner. No claims have been allowed.

#### In the Office Action

(1) Claim 1 was rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The claim has been amended to correct the technical informalities cited by the Examiner. Thus, this rejection is believed to be overcome.

(2) Claims 1 to 8, 10 to 14 and 80 were rejected under 35 USC §102(b) as being anticipated by Harris (U.S. Patent No. 4,625,620). The Harris reference has been discussed in detail in a previous Amendment and that discussion need not be repeated.

Independent Claim 1 has been amended to further

Austin 4.1-1  
Appl. No. 10/804,794  
Response to Office Action dated January 31, 2006  
Amdt. dated April 26, 2006

define the second damping material as being positioned on each side arm and not directly connected to the bracket. In the Harris reference, the spring 88 is directly connected to the flange 17 of the base 11 since the ends of the spring 88 are compressed between the hinge pins 89 and 90 which are press fit into flange 17 and strut 83 (see column 5, lines 13 to 16 of the Harris reference).

In view of the above discussion, Applicants believe that amended independent Claim 1 is neither anticipated by nor obvious to one skilled in the art over Harris. Further, dependent Claims 2 to 8, 10 to 14 and 80, as depending from patentable base Claim 1, are also neither anticipated by nor obvious to one skilled in the art over the above cited reference. Reconsideration of this rejection is requested.

(3) Claims 15 to 24 were rejected under 35 USC §102(b) as being anticipated by Harris (U.S. Patent No. 4,625,620). Independent Claim 15 has been amended similarly to independent Claim 1 to further define the second damping material as being positioned on each side arm and not directly connected to the bracket.

In view of the above discussion in paragraph 2 above, Applicants believe that amended independent Claim 15 is neither anticipated by nor obvious to one skilled in the

Austin 4.1-1  
Appl. No. 10/804,794  
Response to Office Action dated January 31, 2006  
Amdt. dated April 26, 2006

art over Harris. Further, dependent Claims 16 to 24, as depending from patentable base Claim 15, are also neither anticipated by nor obvious to one skilled in the art over the above cited reference. Reconsideration of this rejection is requested.

(4) Claims 27 to 30 and 32 to 38 were rejected under 35 USC §102(b) as being anticipated by Harris (U.S. Patent No. 4,625,620). Independent Claim 27 has been amended to further define the second damping material as being positioned on the side arm spaced apart from the firearm.

In the Harris reference, the pads 20 are located on the forearm side of the sloping flanges 17 and 18 of the base 11 to protect the finish of a forearm of a rifle when clamped thereagainst (see column 2, lines 50 to 52 of the Harris reference). Based on the location and purpose of the pads 20, it is clear that the pads 20 are intended to be positioned to contact the rifle and protect the finish of the rifle when the rifle is clamped against the base 11.

In view of the above discussions, Applicants believe that amended independent Claim 27 is neither anticipated by nor obvious to one skilled in the art over Harris. Further, dependent Claims 28 to 30 and 32 to 38, as depending from patentable base Claim 27, are also

neither anticipated by or obvious to one skilled in the art over the above cited reference. Reconsideration of this rejection is requested.

(5) Claims 40, 42 to 46 and 48 to 56 were rejected under 35 USC §102(b) as being anticipated by Harris (U.S. Patent No. 4,625,620). Independent Claim 40 has been amended similarly to independent Claim 27 and further defines the third damping material on the forward arm as being spaced apart from the firearm.

In view of the discussions in paragraph 4 above, Applicants believe that amended independent Claim 40 is neither anticipated by nor obvious to one skilled in the art over Harris. Further, dependent Claims 42 to 46 and 48 to 56, as depending from patentable base Claim 40, are also neither anticipated by nor obvious to one skilled in the art over the above cited reference. Reconsideration of this rejection is requested.

(6) Claim 57 was rejected under 35 USC §102(b) as being anticipated by Harris (U.S. Patent No. 4,625,620). Independent Claim 57 has been amended similarly to independent Claims 27 and 40 to further define the third damping material on the forward arm as being configured to be spaced apart from the firearm. The claim has also been amended to correct technical informalities.

Austin 4.1-1  
Appl. No. 10/804,794  
Response to Office Action dated January 31, 2006  
Amdt. dated April 26, 2006

In view of the discussion in paragraph 4 above, Applicants believe that amended independent Claim 57 is neither anticipated by nor obvious to one skilled in the art over Harris. Reconsideration of this rejection is requested.

(7) Claims 26, 39 and 41 were rejected under 35 USC §103 as being unpatentable over Harris (U.S. Patent No. 4,625,620), in view of Minagawa (U.S. Patent No. 6,412,737). The Harris and Minagawa references have been discussed in detail in a previous Amendment and those discussions need not be repeated.

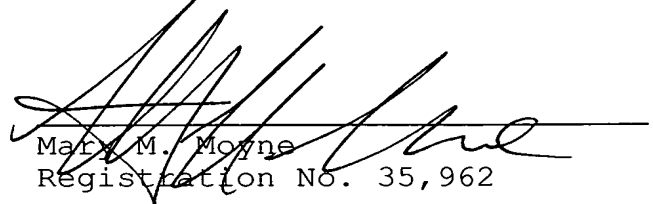
Applicants believe that in view of the discussions in paragraphs 2 and 4, dependent Claims 26, 39 and 41, as depending from unobvious and patentable base Claims 1, 27 and 40, are unobvious to one skilled in the art and patentable over the above cited references. Reconsideration of this rejection is requested.

Applicants and their attorney, Mary Moyne, would like to thank Examiners Epps and Wujciak for their assistance in amending the claims to place the pending

Austin 4.1-1  
Appl. No. 10/804,794  
Response to Office Action dated January 31, 2006  
Amdt. dated April 26, 2006

claims in better form for allowance. Applicants believe that Claims 1 to 24, 26 to 57 and 80 are now in condition for allowance. Notice of Allowance is requested.

Respectfully,



Mary M. Moyne  
Registration No. 35,962

McLEOD & MOYNE, P.C.  
2190 Commons Parkway  
Okemos, Michigan 48864

(517) 347-4100  
Email: mclmyn@comcast.net